BCI against the implementation of Legal Service Authorities (Amendment) Act, 2002

555. SHRI K.B. KRISHNA MURTHY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government have taken cognizance of the threat by the Bar Council of India to boycott indefinitely the permanent Lok Adalats in protest against the implementation of Legal Service Authorities (Amendment) Act, 2002;

(b) whether the BCI considers certain provisions of the Act as anti-litigant;

(c) whether any public activist group/litigants' forum have expressed similar views; and

(d) if so, Government's stand thereon?

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHY): (a) and (b) The Government are aware of the threat by the Bar Council of India to boycutt Lok Adalats under the Legal Services authorities (Amendment) Act, 2002, as it considers the provisions of the said Act as 'anti-litigant'.

(c) and (d) Vellore Citizens Welfare Forum has also opposed enactment of the Aforesaid Act. However the Supreme court has by its order dated 28.10.2002 in S.N. Pandey vs. Union of India, upheld the constitutional validity of the aforesaid Act. A copy of the said order is annexed as Statement .

Statement

A copy of the order of Supreme Court

Court No. 1 in the case of C.N Parley Versus U.O.I.

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

Writ Petition (Civil) No. 543/2002 (For Preliminary Hearing)

S.N. PANDEY Petitioner (s)

VERSUS

UNION OF INDIA & ANR. **628287** Respondent (s)

Date : 28/10/2002 This Petition was called on for hearing today.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s) Mr. Manoj Goel, Adv.

Petitioner-In-Person

For Respondent (s)

UPON hearing counsel the Court made the following

ORDER

We have heard the learned counsel for the petitioner. The challenge is to the validity of the petitioner. The challenge is to the validity of the legal services authority (Amendment) Act, 2002 (in short the 'Act') whereby a new Chapter 6(A) has been inserted relating to pre-litigation conciliation and settlement. It is quite apparent that this chapter has been enacted as being complementary to Section 89 of the code of civil Procedure, 1908 (in short the 'Code') which is a new provision enacted and implemented with effect from 1st July, 2002.

We have gone through the provisions of the said Capter which contemplete the setting up of permanent Lok Adalats for deciding disputes in which public utility services is one of the matters involved. It is quite obvious that the effort of the legislature is to decrease the work load in the Courts by resorting to alternative disputes resolution. Lok Adalat is a mode of dispute resolution which has been in vogue since over two decades. Hundreds of thousands of cases have been settled through this mechanism and is undisputedly a fast means of dispensation of justice. The litigation is brought to a quick end with no further appeals or anguish to the litigants. The constitution of the Permanent Lok Adalats mechanism contemplate the judicial officer or a retired judicial officer being there alongwith other persons having adequate experience in the public utility services.

We do not find any constitutional infirmity in the said legislation. The Act ensures that justice will be available to the litigant speedily and impartially. We do emphasis that the persons who are appointed on the

Permanent Lok Adalats should be persons of integrity and adequate experience. Appropriate rules, *inter alia* in this regard, no doubt will have to be framed, if not already in place.

We upheld the validity of the said Act and hope the "Permanent Lok Adalats will be set up at an early date. The Lok Adalats are enacted to primarily bring about settlement amongst the parties. The parties are normally required to be present in person and since the impugned provisions are in the interest of the litigating public, the Lok Adalats shall perform their duties and will function, even if members of the Bar choose not to appear."

Petition is disposed of in the aforesaid terms.

Copies of the order to be sent to the High Courts and also to the Attorney General.

Kalyani.

(S.L. GOYAL)
COURT MASTER

Alternative Dispute Resolution System

556. SHRI NANDI YELLAIAH: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that Alternative Dispute Resolution (ADR) System has been evolved in the country to decongest and avoid recourse to courts;

(b) if so, the details of the various ADR techniques being introduced/ already introduced under the above fast track judicial system; and

(c) the number of disputes resolved, so far, under ADR in various States, particularly in Andhra Pradesh?

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHY) : (a) Yes, Sir.

(b) The techniques of alternative dispute Resolution being introduced/ already introduced in India for settlement of disputes out side Courts, *inter-alia*, include Arbitration, Fast Track Arbitration, Conciliation/Mediation, Negotiation, Mini Trial, Lok Adalats and Consumer Dispute Redressal System, etc.